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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/533,470 | 10/25/2005 | Martin Auer | 095309.56241US | 4105 |

23911 7590 09/26/2007
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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| EXAMINER |
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TO, TUAN C

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| ART UNIT | PAPER NUMBER |
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3663

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| MAIL DATE | DELIVERY MODE |
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09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,470

Applicant(s)

AUER ET AL.

Examiner

Tuan C. To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 9-14, 17, and 18 are rejected under 35 U.S.C. 102 (e) as being anticipated by Bullinger et al. (US 20030100983A1).

Regarding claims 9, and 17, Bullinger et al. teaches: a device/method for activating passenger protection device comprising:

"a decision stage which generates a triggering decision for the vehicle safety device if a travel behavior of the vehicle which is critical for safety is determined, based on dynamic vehicle movement parameters" (figure 1, and paragraph 0038, the airbag controller 8 generates a triggering signal for the vehicle occupant protection device when the acceleration signal sensed from acceleration sensor 4 or 5 exceeds a fixed threshold value); and

“a plausibility checking stage for checking plausibility of the triggering decision; wherein, the plausibility checking stage evaluates the triggering decision as implausible and prevents actuation of the vehicle safety device if an evaluation of time profile of parameters that are sensed in the vehicle reveals that the travel behavior which is critical for safety corresponds, within predefinable limits, to a desired travel behavior, which is brought about in a deliberate and controlled fashion by a vehicle operator” (figure 1, and paragraphs 0038, 0041, and 0046. In Bullinger et al., paragraph 0041, the plausibility confirmation signal according to the acceleration signal sensed from the acceleration sensor (4) or (5) is exceeded the acceleration threshold, the vehicle-occupant protection device is activated. In paragraph 0046, the triggering signals are not generated (no-fire) if the vehicle is below the lower speed (25 km/h).

As to claim 10, Bullinger et al. further teaches “the plausibility checking stage uses a parameter which is indicative of rate of change in the travel behavior of the vehicle to check the plausibility of the triggering decision” (figure 1, paragraph 0038, the plausibility check stage uses the acceleration, which is the rate of speed change, in the travel behavior of the vehicle to check the plausibility of the triggering decision).

As to claims 11-14, Bullinger et al. further teaches “plausibility checking stage evaluates the triggering decision as implausible and prevents the vehicle safety device from being actuated if the travel behavior of the vehicle has only made a slow approach to the travel behavior which is critical for safety” (paragraph 0046, the vehicle-occupant

protection device are not trigger if the vehicle speed below the minimum speed (25 km/h))

Regarding claim 18, Bullinger et al. teaches a device/method for activating passenger protection device comprising:

“determining dynamic behavior of the vehicle based on vehicle movement parameters” (figure 1, paragraph 0038, the acceleration sensors senses the acceleration of the vehicle);

“detecting occurrence of a critical dynamic behavior of the vehicle based on said determined dynamic behavior” (paragraph 0038, the plausibility of triggering is confirmed after the detected acceleration exceeded a threshold);

“generating a trigger signal for actuating the vehicle safety device upon detection of said critical dynamic behavior” (figure 1, paragraphs 40 and 41, the airbag controller 8 generates a triggering signal to airbag when the acceleration signal exceeds a threshold value);

“determining a desired travel behavior based on vehicle control parameters that have values or profiles that are indicative of deliberate vehicle control activity by a vehicle driver” (paragraphs 0024, 0040, and 0041).

“comparing said detected critical dynamic behavior of the vehicle with the desired travel behavior” (abstract, and paragraph 0026); and

“inhibiting a triggering of said vehicle safety device when said critical dynamic behavior corresponds within specified limits to said desired traveling behavior” (paragraph 0046).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullinger et al. and in view of Eberle et al. (US 7178622B2).

Bullinger et al. does not disclose that the vehicle safety device can be triggered in a reversible fashion and that the vehicle safety device is a seatbelt pretensioner.

Eberle et al. teaches a system/method for actuating a reversible passenger protection system in a motor vehicle in which the vehicle safety device can be triggered in a reversible fashion and that the vehicle safety device is a seatbelt pretensioner (see column 5, lines 7-11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Bullinger et al. to include the teaching of Eberle et al. so that the vehicle occupant is provided a maximum protection prior and immediately after a collision occurs.

Conclusions

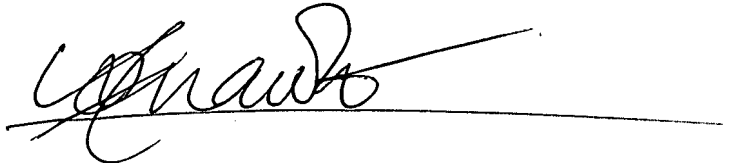
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

September 11, 2007

